

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE CONCURRENT RESOLUTION 1001

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VI, SECTIONS 4, 12, 20, 36, 37, 39, 41 AND 42, CONSTITUTION OF ARIZONA; RELATING TO THE JUDICIAL DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Article VI, sections 4, 12, 20, 36, 37, 39, 41 and 42, Constitution
4 of Arizona, are proposed to be amended as follows if approved by the voters
5 and on proclamation of the Governor:

6 4. Supreme court; appellate court; term of office

7 Section 4. A. THROUGH DECEMBER 31, 2012, justices of the
8 supreme court shall hold office for a regular term of six years
9 except as provided by this article.

10 B. FOR ANY TERM BEGINNING ON OR AFTER JANUARY 1, 2013,
11 JUSTICES OF THE SUPREME COURT AND JUDGES OF ANY INTERMEDIATE
12 APPELLATE COURT SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT
13 YEARS EXCEPT AS PROVIDED BY THIS ARTICLE.

14 12. Superior court; term of office

15 Section 12. A. Judges of the superior court in counties
16 having a population of less than two hundred fifty thousand
17 persons according to the most recent United States census shall
18 be elected by the qualified electors of their counties at the
19 general election. THROUGH DECEMBER 31, 2012, they shall hold
20 office for a regular term of four years except as provided by
21 this section from and after the first Monday in January next
22 succeeding their election, and until their successors are
23 elected and qualify. FOR ANY TERM BEGINNING ON OR AFTER JANUARY
24 1, 2013, THEY SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT
25 YEARS EXCEPT AS PROVIDED BY THIS SECTION FROM AND AFTER THE
26 FIRST MONDAY IN JANUARY NEXT SUCCEEDING THEIR ELECTION, AND
27 UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFY. The names of
28 all candidates for judge of the superior court in such counties
29 shall be placed on the regular ballot without partisan or other
30 designation except the division and title of the office.

31 B. The governor shall fill any vacancy in such counties
32 by appointing a person to serve until the election and
33 qualification of a successor. At the next succeeding general
34 election following the appointment of a person to fill a
35 vacancy, a judge shall be elected to serve for the remainder of
36 the unexpired term.

37 C. THROUGH DECEMBER 31, 2012, judges of the superior
38 court in counties having a population of two hundred fifty
39 thousand persons or more according to the most recent United
40 States census shall hold office for a regular term of four years
41 except as provided by this article. FOR ANY TERM BEGINNING ON
42 OR AFTER JANUARY 1, 2013, JUDGES OF THE SUPERIOR COURT IN
43 COUNTIES HAVING A POPULATION OF TWO HUNDRED FIFTY THOUSAND
44 PERSONS OR MORE ACCORDING TO THE MOST RECENT UNITED STATES

1 CENSUS SHALL HOLD OFFICE FOR A REGULAR TERM OF EIGHT YEARS
2 EXCEPT AS PROVIDED BY THIS ARTICLE.

3 20. Retirement and service of retired justices and judges

4 Section 20. A. The legislature shall prescribe by law a
5 plan of retirement for justices and judges of courts of record,
6 including the basis and amount of retirement pay, and requiring
7 except as provided in section 35 of this article, that justices
8 and judges of courts of record be retired ~~upon~~ ON reaching the
9 ~~age of seventy~~ SEVENTY-FIVE YEARS OF AGE.

10 B. Any retired justice or judge of any court of record
11 who is drawing retirement pay may serve as a justice or judge of
12 any court. When serving outside his county of residence, any
13 such retired justice or judge shall receive his necessary
14 traveling and subsistence expenses. A retired judge who is
15 temporarily called back to the active duties of a judge is
16 entitled to receive the same compensation and expenses as other
17 like active judges less any amount received for such period in
18 retirement benefits.

19 36. Commission on appellate court appointments and terms.
20 appointments and vacancies on commission

21 Section 36. A. ~~There shall be~~ A nonpartisan commission
22 on appellate court appointments ~~which shall be composed of~~ IS
23 ESTABLISHED AND CONSISTS OF THE FOLLOWING MEMBERS:

24 1. The chief justice of the supreme court, who shall be
25 chairman. ~~—~~ IN THE EVENT OF THE ABSENCE OR INCAPACITY OF THE
26 CHAIRMAN, THE SUPREME COURT SHALL APPOINT A JUSTICE OF THE
27 SUPREME COURT TO SERVE IN THE CHIEF JUSTICE'S PLACE AND STEAD.

28 2. Five attorney members, who shall be ~~nominated by the~~
29 ~~board of governors of the state bar of Arizona and~~ appointed by
30 the ~~governor~~ FOLLOWING PEOPLE with the advice and consent of the
31 senate in the manner prescribed by law: ~~—~~ and

32 (a) THE GOVERNOR SHALL APPOINT FOUR OF THE MEMBERS.

33 (b) THE PRESIDENT OF THE STATE BAR OF ARIZONA SHALL
34 APPOINT ONE OF THE MEMBERS WHO SHALL BE A MEMBER OF THE STATE
35 BAR OF ARIZONA.

36 3. Ten nonattorney members who shall be appointed by the
37 governor with the advice and consent of the senate in the manner
38 prescribed by law.

39 B. At least ninety days ~~prior to~~ BEFORE a term expiring
40 or within twenty-one days of a vacancy occurring for a
41 ~~nonattorney~~ AN ATTORNEY member on the commission ~~for~~ ON
42 appellate court appointments, the ~~governor shall appoint a~~
43 ~~nominating committee of nine members, not more than five of whom~~
44 ~~may be from the same political party. The makeup of the~~
45 ~~committee shall, to the extent feasible, reflect the diversity~~

1 ~~of the population of the state. Members shall not be attorneys~~
2 ~~and shall not hold any governmental office, elective or~~
3 ~~appointive, for profit. The committee shall provide public~~
4 ~~notice that a vacancy exists and shall solicit, review and~~
5 ~~forward to the governor all along with the committee's~~
6 ~~recommendations for appointment. STATE BAR OF ARIZONA SHALL~~
7 ~~SOLICIT, REVIEW AND FORWARD TO THE GOVERNOR ALL APPLICATIONS FOR~~
8 ~~APPOINTMENT ALONG WITH THE STATE BAR'S RECOMMENDATIONS FOR~~
9 ~~APPOINTMENT.~~

10 C. Attorney members of the commission shall have resided
11 in the state and shall have been admitted to practice before the
12 supreme court for not less than ~~five~~ TEN years, SHALL BE MEMBERS
13 IN GOOD STANDING OF THE STATE BAR OF ARIZONA, SHALL HAVE NO
14 FORMAL DISCIPLINARY COMPLAINTS AND SHALL NOT HAVE EVER BEEN
15 FORMALLY SANCTIONED AS A RESULT OF A DISCIPLINARY ACTION. Not
16 more than three attorney members shall be members of the same
17 political party and not more than two attorney members shall be
18 residents of any one county.

19 D. ~~Nonattorney~~ Members WHO ARE NOMINATED PURSUANT TO
20 SUBSECTION A, PARAGRAPH 3 shall have resided in the state for
21 not less than five years and shall not be judges, retired judges
22 or admitted to practice before the supreme court. Not more than
23 five nonattorney members shall be members of the same political
24 party. Not more than two nonattorney members shall be residents
25 of any one county.

26 E. ~~None of~~ The attorney ~~or~~ AND nonattorney members of the
27 commission shall NOT hold any governmental office, elective or
28 appointive, for profit, and ~~no~~ AN attorney member OF THE
29 COMMISSION shall NOT be eligible for appointment to any judicial
30 office of the state until one year after ~~he~~ THE ATTORNEY MEMBER
31 ceases to be a member OF THE COMMISSION.

32 F. ~~Attorney~~ Members of the commission shall serve
33 staggered four-year terms ~~and nonattorney members shall serve~~
34 ~~staggered four-year terms.~~ Vacancies shall be filled for the
35 unexpired terms in the same manner as the original appointments.

36 ~~B.~~ G. No person other than the chief justice shall serve
37 at the same time as a member of more than one judicial
38 appointment commission.

39 ~~C.~~ H. In making or confirming appointments to the
40 appellate court commission, the governor, the senate and the
41 PRESIDENT OF THE state bar shall endeavor to see that the
42 commission reflects the diversity of Arizona's population.

43 ~~In the event of the absence or incapacity of the chairman~~
44 ~~the supreme court shall appoint a justice thereof to serve in~~
45 ~~his place and stead.~~

1 D. I. ~~Prior to~~ BEFORE making recommendations to the
2 governor ~~as hereinafter provided~~, the commission shall conduct
3 investigations, hold public hearings and take public testimony.
4 An executive session as prescribed by rule may be held ~~upon~~ ON a
5 two-thirds vote of the members of the commission in a public
6 hearing. Final decisions as to recommendations shall be made
7 without regard to political affiliation in an impartial and
8 objective manner. The commission shall consider the diversity
9 of the state's population, however the primary consideration
10 shall be merit. Voting shall be in a public hearing. The
11 expenses of meetings of the commission and the attendance of
12 members ~~thereof~~ for travel and subsistence shall be paid from
13 the general fund of the state as state officers are paid, ~~upon~~
14 ON claims approved by the chairman.

15 E. J. After public hearings the supreme court shall
16 adopt rules of procedure for the commission on appellate court
17 appointments.

18 F. ~~Notwithstanding the provisions of subsection A, the~~
19 ~~initial appointments for the five additional nonattorney members~~
20 ~~and the two additional attorney members of the commission shall~~
21 ~~be designated by the governor for staggered terms as follows:~~

22 1. ~~One appointment for a nonattorney member shall be for~~
23 ~~a one year term.~~

24 2. ~~Two appointments for nonattorney members shall be for~~
25 ~~a two year term.~~

26 3. ~~Two appointments for nonattorney members shall be for~~
27 ~~a three year term.~~

28 4. ~~One appointment for an attorney member shall be for a~~
29 ~~one year term.~~

30 5. ~~One appointments for an attorney member shall be for a~~
31 ~~two year term.~~

32 G. ~~The members currently serving on the commission may~~
33 ~~continue to serve until the expiration of their normal terms.~~
34 ~~All subsequent appointments shall be made as prescribed by this~~
35 ~~section.~~

36 37. Judicial vacancies and appointments: initial
37 terms; residence; age

38 Section 37. A. Within sixty days from the occurrence of
39 a- ANY vacancy in the office of a justice or judge of any court
40 of record, ~~except for vacancies occurring in the office of a~~
41 ~~judge of the superior court or a judge of a court of record~~
42 ~~inferior to the superior court~~ THE SUPREME COURT OR AN
43 INTERMEDIATE APPELLATE COURT OF RECORD, the commission on
44 appellate court appointments, ~~if the vacancy is in the supreme~~
45 ~~court or an intermediate appellate court of record~~, shall submit

1 to the governor the names of not less than ~~three~~ EIGHT persons
 2 nominated by it to fill such EACH vacancy, ~~no more than two of~~
 3 ~~whom shall be members of the same political party unless there~~
 4 ~~are more than four such nominees, in which event not more than~~
 5 ~~sixty percentum of such nominees shall be members of the same~~
 6 ~~political party,~~ EXCEPT THAT ON A TWO-THIRDS VOTE, THE
 7 COMMISSION MAY REJECT AN APPLICANT AND SUBMIT LESS THAN EIGHT
 8 NAMES. ANY APPLICANT WHO RECEIVES A MAJORITY VOTE OF THE VOTING
 9 MEMBERS FOR NOMINATION SHALL BE NOMINATED FOR THE VACANCY. IF
 10 MORE THAN ONE VACANCY EXISTS IN THE SAME COURT AT THE SAME TIME,
 11 THE COMMISSION SHALL SUBMIT THE NAMES OF NOT LESS THAN SIX
 12 PERSONS NOMINATED BY IT TO FILL EACH VACANCY AND SHALL NOT
 13 SUBMIT THE NAME OF THE SAME PERSON FOR MORE THAN ONE VACANCY.

14 B. Within sixty days from the occurrence of a- ANY
 15 vacancy in the office of a judge of the superior court or a
 16 judge of a court of record inferior to the superior court except
 17 for vacancies occurring in the office of a judge of the superior
 18 court or a judge of a court of record inferior to the superior
 19 court in a county having a population of less than two hundred
 20 fifty thousand persons according to the most recent United
 21 States census, the commission on trial court appointments for
 22 the county in which the vacancy occurs shall submit to the
 23 governor the names of not less than ~~three~~ EIGHT persons
 24 nominated by it to fill such vacancy, ~~no more than two of whom~~
 25 ~~shall be members of the same political party unless there are~~
 26 ~~more than four such nominees, in which event no more than sixty~~
 27 ~~per centum of such nominees shall be members of the same~~
 28 ~~political party,~~ EXCEPT THAT ON A TWO-THIRDS VOTE, THE
 29 COMMISSION MAY REJECT AN APPLICANT AND SUBMIT LESS THAN EIGHT
 30 NAMES. ANY APPLICANT WHO RECEIVES A MAJORITY VOTE OF THE VOTING
 31 MEMBERS FOR NOMINATION SHALL BE NOMINATED FOR THE VACANCY. IF
 32 MORE THAN ONE VACANCY EXISTS IN THE SAME COURT AT THE SAME TIME,
 33 THE COMMISSION SHALL SUBMIT THE NAMES OF NOT LESS THAN SIX
 34 PERSONS NOMINATED BY IT TO FILL EACH VACANCY AND SHALL NOT
 35 SUBMIT THE NAME OF THE SAME PERSON FOR MORE THAN ONE VACANCY. A
 36 nominee shall be under sixty-five years of age at the time ~~his~~
 37 THE NOMINEE'S name is submitted to the governor. Judges of the
 38 superior court shall be subject to retention or rejection by a
 39 vote of the qualified electors of the county from which they
 40 were appointed at the general election in the manner provided by
 41 section 38 of this article.

42 C. A vacancy in the office of a justice or a judge of
 43 ~~such courts of record~~ shall be filled by appointment by the
 44 governor without regard to political affiliation from one of the
 45 nominees whose names shall be submitted to ~~him~~ THE GOVERNOR as

hereinabove provided. IF MORE THAN ONE VACANCY EXISTS IN THE SAME COURT AT THE SAME TIME, THE GOVERNOR MAY MAKE AN APPOINTMENT FROM ANY OF THE NOMINEES PRESENTED FOR ANY OF THE VACANCIES IN THAT COURT. In making the appointment, the governor shall consider the diversity of the state's population for an appellate court appointment and the diversity of the county's population for a trial court appointment, however the primary consideration shall be merit. If the governor does not appoint one of ~~such~~ THE nominees to fill ~~such~~ THE vacancy within sixty days after their names are submitted to the governor by ~~such~~ THE commission, the chief justice of the supreme court forthwith shall appoint on the basis of merit alone without regard to political affiliation one of ~~such~~ THE nominees to fill ~~such~~ THE vacancy. If ~~such~~ THE commission does not, within sixty days after ~~such~~ THE vacancy occurs, submit the names of nominees as hereinabove provided, the governor ~~shall have the power to~~ MAY appoint any qualified person to fill ~~such~~ THE vacancy at any time thereafter ~~prior to~~ BEFORE the time the names of the nominees to fill ~~such~~ THE vacancy are submitted to the governor as hereinabove provided.

D. Each APPOINTED justice or judge ~~so appointed~~ shall initially hold office for a term ending sixty days following the next regular general election after the expiration of a term of two years in office. Thereafter, the terms of justices or judges of the supreme court and the superior court shall be as provided by this article.

~~Ø.~~ E. A person appointed to fill a vacancy on an intermediate appellate court or another court of record now existing or hereafter established by law shall have been a resident of the counties or county in which that vacancy exists for at least one year ~~prior to his~~ BEFORE THE PERSON'S appointment, in addition to possessing the other required qualifications. A nominee shall be under sixty-five years of age at the time ~~his~~ THE NOMINEE'S name is submitted to the governor.

39. Retirement of justices and judges: vacancies

Section 39. A. On attaining ~~the age of seventy~~ SEVENTY-FIVE years OF AGE a justice or judge of a court of record shall retire and ~~his~~ THE JUSTICE'S OR JUDGE'S judicial office shall be vacant, except as otherwise provided in section 35 of this article. In addition to becoming vacant as provided in this section, the office of a justice or judge of any court of record becomes vacant ~~upon his~~ ON THE JUSTICE'S OR JUDGE'S death, ~~or his~~ voluntary retirement pursuant to statute or ~~his~~ voluntary resignation, and also, as provided in section 38 of

1 this article, upon ON the expiration of his THE JUSTICE'S OR
2 JUDGE'S term next following a general election at which a
3 majority of those voting on the question of his THE JUSTICE'S OR
4 JUDGE'S retention vote in the negative or for which general
5 election he THE JUSTICE OR JUDGE is required, but fails, to file
6 a declaration of his desire to be retained in office.

7 B. This section is alternative to and cumulative with the
8 methods of removal of judges and justices provided in ARTICLE
9 VI.I AND ARTICLE VIII, parts 1 and 2 of ~~article 8 and article~~
10 ~~6.1 of this Constitution.~~

11 41. Commission on trial court appointments:
12 membership; terms

13 ~~A. Except as otherwise provided, judges of the superior~~
14 ~~court in counties having a population of two hundred fifty~~
15 ~~thousand persons or more according to the most recent United~~
16 ~~States census shall hold office for a regular term of four~~
17 ~~years.~~

18 B. A. There shall be a nonpartisan commission on trial
19 court appointments for each county having a population of two
20 hundred fifty thousand persons or more according to the most
21 recent United States census which shall be composed of the
22 following members:

23 1. The chief justice of the supreme court, who shall be
24 the chairman of the commission. In the event of the absence or
25 incapacity of the chairman the supreme court shall appoint a
26 justice thereof to serve in his place and stead.

27 2. Five attorney members, none of whom shall reside in
28 the same supervisorial district and not more than three of whom
29 shall be members of the same political party, who are ~~nominated~~
30 ~~by the board of governors of the state bar of Arizona and who~~
31 ~~are~~ appointed by the governor FOLLOWING PEOPLE subject to
32 confirmation by the senate in the manner prescribed by law:

33 (a) THE GOVERNOR SHALL APPOINT FOUR OF THE MEMBERS.

34 (b) THE PRESIDENT OF THE STATE BAR OF ARIZONA SHALL
35 APPOINT ONE OF THE MEMBERS WHO SHALL BE A MEMBER OF THE STATE
36 BAR.

37 3. Ten nonattorney members, no more than two of whom
38 shall reside in the same supervisorial district.

39 ~~G. B. At least ninety days prior to BEFORE a term~~
40 ~~expiring or within twenty-one days of a vacancy occurring for a~~
41 ~~nonattorney AN ATTORNEY member on the commission for trial court~~
42 ~~appointments, the member of the board of supervisors from the~~
43 ~~district in which the vacancy has occurred shall appoint a~~
44 ~~nominating committee of seven members who reside in the~~
45 ~~district, not more than four of whom may be from the same~~

1 ~~political party. The make-up of the committee shall, to the~~
2 ~~extent feasible, reflect the diversity of the population of the~~
3 ~~district. Members shall not be attorneys and shall not hold any~~
4 ~~governmental office, elective or appointive, for profit. The~~
5 ~~committee shall provide public notice that a vacancy exists and~~
6 ~~shall solicit, review and forward to the governor all~~
7 ~~applications along with the committee's recommendations for~~
8 ~~STATE BAR OF ARIZONA SHALL SOLICIT, REVIEW AND FORWARD TO THE~~
9 ~~GOVERNOR ALL APPLICATIONS FOR APPOINTMENT ALONG WITH THE STATE~~
10 ~~BAR'S RECOMMENDATIONS FOR appointment. The governor shall~~
11 ~~appoint two persons from each supervisorial district who shall~~
12 ~~not be of the same political party, subject to confirmation by~~
13 ~~the senate in the manner prescribed by law.~~

14 ~~D. C. In making or confirming appointments to trial~~
15 ~~court commissions, the governor, the senate and the PRESIDENT OF~~
16 ~~THE state bar shall endeavor to see that the commission reflects~~
17 ~~the diversity of the county's population.~~

18 ~~E. Members of the commission shall serve staggered four~~
19 ~~year terms, except that initial appointments for the five~~
20 ~~additional nonattorney members and the two additional attorney~~
21 ~~members of the commission shall be designated by the governor as~~
22 ~~follows:~~

23 ~~1. One appointment for a nonattorney member shall be for~~
24 ~~a one year term.~~

25 ~~2. Two appointments for nonattorney members shall be for~~
26 ~~a two year term.~~

27 ~~3. Two appointments for nonattorney members shall be for~~
28 ~~a three year term.~~

29 ~~4. One appointment for an attorney member shall be for a~~
30 ~~one year term.~~

31 ~~5. One appointment for an attorney member shall be for a~~
32 ~~two year term.~~

33 ~~F. D. Vacancies shall be filled for the unexpired terms~~
34 ~~in the same manner as the original appointments.~~

35 ~~G. E. Attorney members of the commission shall have~~
36 ~~resided in this state and shall have been admitted to practice~~
37 ~~in this state by the supreme court for at least five TEN years,~~
38 ~~SHALL BE MEMBERS IN GOOD STANDING OF THE STATE BAR OF ARIZONA,~~
39 ~~SHALL HAVE NO FORMAL DISCIPLINARY COMPLAINTS, SHALL NOT HAVE~~
40 ~~EVER BEEN FORMALLY SANCTIONED AS A RESULT OF A DISCIPLINARY~~
41 ~~ACTION and shall have resided in the supervisorial district from~~
42 ~~which they are appointed for at least one year. Nonattorney~~
43 ~~members shall have resided in this state for at least five~~
44 ~~years, shall have resided in the supervisorial district for at~~
45 ~~least one year before being nominated and shall not be judges,~~

1 retired judges nor admitted to practice before the supreme
2 court. None of the attorney or nonattorney members of the
3 commission shall hold any governmental office, elective or
4 appointive, for profit and no attorney member is eligible for
5 appointment to any judicial office of this state until one year
6 after membership in the commission terminates.

7 H. F. No person other than the chief justice shall serve
8 at the same time as a member of more than one judicial
9 appointment commission.

10 I. G. The commission shall submit the names of not less
11 than three EIGHT individuals for nomination for the office of
12 the superior court judge pursuant to section 37 of this article.

13 J. H. ~~Prior to~~ BEFORE making recommendations to the
14 governor, the commission shall conduct investigations, hold
15 public hearings and take public testimony. An executive session
16 as prescribed by rule may be held upon a two-thirds vote of the
17 members of the commission in a public hearing. Final decisions
18 as to recommendations shall be made without regard to political
19 affiliation in an impartial and objective manner. The
20 commission shall consider the diversity of the county's
21 population and the geographical distribution of the residences
22 of the judges throughout the county, however the primary
23 consideration shall be merit. Voting shall be in a public
24 hearing. The expenses of meetings of the commission and the
25 attendance of members thereof for travel and subsistence shall
26 be paid from the general fund of the state as state officers are
27 paid, upon claims approved by the chairman.

28 K. I. After public hearings the supreme court shall
29 adopt rules of procedure for the commission on trial court
30 appointments.

31 ~~L. The members of the commission who were appointed~~
32 ~~pursuant to section 36 of this article prior to the effective~~
33 ~~date of this section may continue to serve until the expiration~~
34 ~~of their normal terms. All subsequent appointments shall be~~
35 ~~made as prescribed by this section.~~

36 42. Retention evaluation of justices and judges:
37 electronically accessible information:
38 performance review hearings

39 A. The supreme court shall adopt, after public hearings,
40 and administer for all justices and judges who file a
41 declaration to be retained in office, a process, established by
42 court rules for evaluating judicial performance. The rules
43 shall include written performance standards and performance
44 reviews which survey opinions of persons who have knowledge of
45 the justice's or judge's performance. The public shall be

1 afforded a full and fair opportunity for participation in the
2 evaluation process through public hearings, dissemination of
3 evaluation reports to voters and any other methods as the court
4 deems advisable.

5 B. THE SUPREME COURT SHALL MAKE EVERY WRITTEN OPINION OR
6 ORDER THAT IS ISSUED BY A JUDGE OF A COURT OF RECORD, THAT
7 RESOLVES A CONTESTED MATTER OF LAW AND THAT IS NOT SEALED OR
8 CONFIDENTIAL PURSUANT TO LAW ELECTRONICALLY ACCESSIBLE TO THE
9 PUBLIC THROUGH THE SUPREME COURT'S WEBSITE.

10 C. NOT LATER THAN SIXTY DAYS PRECEDING THE REGULAR
11 PRIMARY ELECTION THE SUPREME COURT SHALL TRANSMIT A COPY OF THE
12 JUDICIAL PERFORMANCE REVIEW OF EACH JUSTICE AND JUDGE WHO IS UP
13 FOR RETENTION TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
14 THE HOUSE OF REPRESENTATIVES. NOT LATER THAN SIXTY DAYS
15 PRECEDING THE REGULAR GENERAL ELECTION FOR THE RETENTION OF
16 JUSTICES AND JUDGES, A JOINT LEGISLATIVE COMMITTEE CONSISTING OF
17 THE SENATE JUDICIARY COMMITTEE AND THE HOUSE OF REPRESENTATIVES
18 JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, MAY MEET AND
19 TAKE TESTIMONY ON THE JUSTICES AND JUDGES WHO ARE UP FOR
20 RETENTION.

21 2. The Secretary of State shall submit this proposition to the voters
22 at the next general election as provided by article XXI, Constitution of
23 Arizona.

PASSED BY THE HOUSE APRIL 14, 2011.

PASSED BY THE SENATE MARCH 21, 2011.

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House April 14, 2011,

by the following vote: 48 Ayes,

8 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate March 21, 2011,

by the following vote: 21 Ayes,

5 Nays, 7 Not Voting

[Signature]
President of the Senate

Channing Billington
Secretary of the Senate

S.C.R. 1001

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 18, 2011

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of April, 20 11

S.C.R. 1001

at 8:12 o'clock a M.

[Signature]
Secretary of State